UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/NGO/44
4 April 1996

ENGLISH AND SPANISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 April 1996]

The International Federation of Human Rights Leagues (FIDH) wishes to draw the attention of the Commission on Human Rights to the following declaration signed by 68 Colombian non-governmental organizations and social sectors, two of which are FIDH member organizations:

1. The FIDH and the non-governmental organizations and social sectors concerned have established that the international community's attention to the case of Colombia within the United Nations has been of fundamental importance in supporting those efforts carried out inside the country directed at overcoming the current human rights crisis. The resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 18 August 1995, the Chairman's Statement during the fifty-first session of the Commission on Human Rights, and the observations of four United Nations treaty-based committees in 1995 concerning the serious human rights situation in Colombia represent the most recent expressions of the international community's growing concern for the Colombian situation.

2. This concern notwithstanding, the objective human rights situation in Colombia did not improve substantially during 1995. More than 10 persons have been killed for political or ideological reasons every day on average since 1988 up to the present. Six of these are executed extrajudicially and another three die as a result of military actions within the context of the internal armed conflict. Every three days a person is disappeared. Additionally, every three days a person is assassinated owing to the violence against marginal sectors of society (inappropriately called "social cleansing"). Almost 30,000 people have died as a result of all these causes since 1988. Of those cases in which the author is known, more than 30 per cent are probably attributable to the guerillas as violations of international humanitarian law, and more than 60 per cent attributable to State agents and paramilitary groups. Arbitrary detentions are frequent and the scourge of torture is endemic. More than 700,000 people have been forcibly displaced from their homes in order to protect their lives and physical integrity under threat. Impunity for all these actions is virtually absolute.

3. Unfortunately, the Government in 1995 insisted on declaring twice a state of emergency (estado de conmoción interior) which continues in effect for 1996, and adopted measures by virtue of this state of exception which restrict the fundamental liberties and guarantees of all Colombians. This practice is yet another factor which contributes to the further deterioration of the political situation and entails ominous consequences for the enjoyment of human rights in the country.

4. For these reasons, the FIDH and the organizations and social sectors concerned are convinced that the international community, through intergovernmental bodies such as the United Nations, should strengthen and intensify its scrutiny of the Colombian case in order to support the defence of the fundamental rights contained in the 1991 Constitution and the rule of law, and to promote policies and governmental measures aimed at combating the impunity prevalent in the country and overcoming the human rights crisis. In this regard, we consider it necessary to promote the action of the Commission on Human Rights's oversight mechanisms, in particular, that of a Special Rapporteur for Colombia, given that the gravity and persistence of the Colombian crisis does not just warrant but demands this type of action.

5. Concretely, the fifty-second session of the Commission on Human Rights should adopt the Sub-Commission's recommendation contained in its 1995/6 resolution on Colombia, to the effect that the Commission should study the situation "by examining the measures taken by the Government to implement the recommendations made by the thematic rapporteurs and the Working Group [on Enforced or Involuntary Disappearances]". Given the persistence in Colombia of one of the worst human rights situations in the hemisphere, this study should be framed logically within item 10 of the Commission's agenda, that is, "Question of the violation of human rights and fundamental freedoms in any part of the world".

6. Similarly, given that there has been no radical improvement in the objective human rights situation, the Commission should adopt the recommendation presented by the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture which requires the

designation "of a Special Rapporteur who could ensure permanent monitoring of and reporting on the human rights situation ...". This recommendation, formulated in the joint report prepared after their visit to Colombia in October of 1994 and presented to the Commission in its fifty-first session, was cited and reaffirmed by the Sub-Commission in its 1995/6 resolution.

7. The FIDH and the Colombian organizations and social sectors concerned insist upon the immediate necessity of naming a special rapporteur for Colombia who could monitor closely the serious and persistent human rights situation as well as supervise the implementation of the recommendations made by United Nations experts after visits in 1988, 1989, 1992 and 1994. 1/ We view with profound concern the fact that the Government has yet to comply substantially with these recommendations and with all the commitments it assumed during the fifty-first session of the Commission on Human Rights. The Government did not facilitate the conditions necessary for carrying out the visits of the Special Rapporteurs and working groups announced for 1995. These United Nations organs requested that the Colombian authorities inform them concerning Colombia's compliance with the aforementioned recommendations. The Government has not provided any such information to date. Moreover, it has failed in its commitment to grant Colombian human rights NGOs representation in the committee established for the purpose of studying, applying and informing on said recommendations.

8. Given its specific and permanent nature, a Commission mechanism like the Special Rapporteur cannot be substituted or compensated for under any circumstances by the action of other United Nations human rights organs; rather, the Special Rapporteur on Colombia should be viewed as the cardinal figure within a comprehensive strategy on the part of the United Nations designed to contribute to overcoming the Colombian human rights crisis in the shortest term possible.

9. We are aware that a Special Rapporteur on Colombia will not solve by itself the problem of serious human rights violations in Colombia; it would, however, represent a significant step forward towards creating the conditions necessary to help Colombian society put an end to this crisis. The international community also should be aware that its concrete and decisive participation, through the United Nations and its principal human rights bodies like the Commission, is indispensable in order to bring an end to the dramatic human rights situation in the country.

10. In light of the foregoing, we request that the Commission on Human Rights, at its fifty-second session:

(a) Analyse the case of Colombia within item 10 of the agenda (Question of the violation of human rights and fundamental freedoms in any part of the world); and

(b) Designate a person of renowned international prestige in the field of human rights and with knowledge of the Colombian situation as Special Rapporteur, with a two-pronged mandate to prepare and present to the

Commission at its fifty-third session a report on the evolution of the human rights situation in the country, on the one hand, and on the other hand, to support the Colombian people and authorities in their efforts aimed at overcoming the political violence and human rights violations.

Notes

1/ The Working Group on Enforced or Involuntary Disappearances visited in 1988 and published its report in 1989 (E/CN.4/1989/18/Add.1); in 1989, the Special Rapporteur on summary or arbitrary executions visited and his report was released in 1990 (E/CN.4/1990/22/Add.1); the mission which evaluated the advisory services rendered Colombia by the Centre for Human Rights visited in 1992 and in 1993 published its report (E/CN.4/1993/61/Add.3); the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture published their report in 1995 (E/CN.4/1995/111) after their visit in 1994.